

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 1st March, 2023

Place: Committee Room 1 - Civic Suite

Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), M Berry, K Buck, A Dear, M Dent,
F Evans, D Garston, S Habermel, D Jarvis, A Jones, C Mulroney,
M Sadza, I Shead, A Thompson and C Walker

In Attendance: Councillors H Boyd and K Evans
K Waters, C Galforg, P Keyes, S Mouratidis, C White, A Greenwood,
M Warren and T Row

Start/End Time: 2.00 pm - 5.20 pm

727 Apologies for Absence

There were no apologies for absence.

728 Declarations of Interest

The following interests were declared at the meeting:

(i) Councillor Borton – Minute No. 730 (Application Ref No. 22/01118/FULM - Nazareth House, 111 London Road, Southend on Sea) – Received an email from the developer;

(ii) Councillor Buck – Minute No. 731 (22/02098/BC4 - Adventure Island, Western Esplanade, Southend on Sea) – Applicant's family is known to him;

(iii) Councillor Dear – Minute No. 733 (22/02260/PA61 - 14 Broadlawn, Leigh-on-Sea) – Has been contacted by two of the objectors and has viewed the applicant's property from their gardens;

(iv) Councillor F Evans – Minute No. 731 (22/02098/BC4 - Adventure Island, Western Esplanade, Southend on Sea) – Applicant is known to her;

(v) Councillor Garston – Minute No. 731 (22/02098/BC4 - Adventure Island, Western Esplanade, Southend on Sea) – Applicant's family is well known to him;

(vi) Councillor A Jones – Minute No. 731 (22/02098/BC4 - Adventure Island, Western Esplanade, Southend on Sea) – Applicant's family is known to her;

(vii) Councillor Mulroney – Minute No. 731 (22/02098/BC4 - Adventure Island, Western Esplanade, Southend on Sea) – Applicant's family is known to her;

(viii) Councillor Mulroney – Minute No. 732 (22/02368/FUL - 995-1003 London Road, Leigh-on-Sea) – Objector is known to her;

(ix) Councillor Sadza – Minute No. 735 (22/02444/FUL & 22/00283/UNA_B - 151 Hamlet Court Road, Westcliff-on-Sea) – Has received correspondence from the residents of the neighbouring property;

(x) Councillor Walker – Minute No. 734 (22/02471/AMDT - 15 Leslie Close, Eastwood, Leigh on Sea) – Has been contacted by residents; and

(xi) Councillor Ward – Minute No. 731 (22/02098/BC4 - Adventure Island, Western Esplanade, Southend on Sea) – Employer has undertaken work at Adventure Island in the past.

729 **Supplementary Report**

The supplementary report by the Executive Director (Growth and Housing) will provide additional information (if any) on the items referred to on the Agenda and will be available on the morning of the meeting.

730 **22/01118/FULM - Nazareth House, 111 London Road, Southend on Sea (Victoria Ward)**

Proposal: Demolish existing buildings and erect two 4 storey buildings, comprising 60no. self-contained retirement flats in one building and 84no. assisted living units with associated communal areas in the other, layout landscaping, parking, bin store and form new vehicle access onto Brighton Road

Applicant: Mr Amit Rabheru of McCarthy Stone Retirement Lifestyles Ltd and Anchor Hanover Group

Agent: Mr Richard Butler of The Planning Bureau

Resolved:-

(a) That the Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of an AGREEMENT under SECTION 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- Affordable Housing - 52 x Use Class C2 assisted living shared ownership units on site.
- Sustainable Travel - The provision of a Travel Plan and Travel Information Packs for residents and Travel Plan Monitoring.
- £8,400.31 (61 x £137.71) towards biodiversity mitigation, management, protection or education (RAMS).
- Landscaping within the public realm of London Road directly to the south of the site, costed at £5200 plus ground preparation costs, and a financial contribution to cover the future maintenance of this landscaping for 20 years up to a maximum of £56,000 (estimated to be £63,000 in total).
- Standard S106 Monitoring Fee.

(b) That the Executive Director (Growth and Housing), Director of Planning or Service Manager – Development Control be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of the section 106 agreement referred to above and subject to the conditions set out below:

01 The development hereby permitted shall begin no later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990

02 The development hereby permitted shall be carried out in accordance with the following approved plans LSE-2794-3-AC-0002 A, LSE-2794-3-AC-0010 A (Showing EV charging points), LSE-2794-3-AC-1000 B, LSE-2794-3-AC-1001 A, LSE-2794-3-AC-1002 A, LSE-2794-3-A, -1003 B, LSE-2794-3-AC-1004 B, LSE-2794-3-AC-1010 B, LSE-2794-3-AC-1011 B, LSE-2794-3-AC-1012 B, LSE-2794-3-AC-1013 B, LSE-2794-3-AC-1014 B, LSE-2794-3-AC-1015 B, LSE-2794-3-AC-1016 B, LSE-2794-3-AC-1017 B, LSE-2794-3-AC-1018 B, LSE-2794-3-AC-1019 B, LSE-2794-3-AC-2000-B, LSE-2794-3-AC-2010-B, LSE-2794-3-AC-2012 B, LSE-2794-3-AC-1001 A, LSE-2794-3-AC-2011 C, LSE-2794-3-AC-3000 A, LSE-2794-3-AC-4000-A, LSE-2794-3-AC-4001-A.

Reason: To ensure that the development is carried out in accordance with the Development Plan.

03 Notwithstanding the details shown on the plans and materials schedule submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product specifications of the materials to be used on all the external elevations of the development, including walls, including brick decoration and accents, roof, including slope, ridge and flat roof areas, balconies, including balustrade, floor, underside, gable edge detail, eaves, fascias and soffits, windows and doors, including sills, dormers, entrance porches and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details before it is brought into first use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, Southend Central Area Action Plan (SCAAP) (2018) Policy PA8 and the advice contained within the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above slab level shall take place unless and until full detailed design drawings and cross sections of the feature gables and porches including eaves and frame and balcony details, window reveals (all windows) and inset window panel detailing (kitchen windows) at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details before it is brought into first use. The cross section of the inset feature framing shall be a maximum of 350mm as shown on plan references LSE-2794-3-AC-4000-A and LSE-2794-3-AC-4001-A.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3,

Southend Central Area Action Plan (SCAAP) (2018) Policy PA8 and the advice contained within the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above slab level shall take place unless and until a method statement including details and specifications for alterations to the boundary wall as detailed in plan LSE-2794-3-AC-3000 A including the replacement of inset brick panels with railings, making good and/ or treatment of associated exposed areas of the boundary wall piers and any alterations to the existing access gates including the conversion to pedestrian gates, associated making good of brick piers and associated wall fabric and alterations to the vehicle access arrangements has been submitted to and approved in writing by the Local Planning Authority. All three sets of decorative gates shall be retained as part of the site entrance proposals. The approved boundary alterations shall be carried out and completed prior to the first occupation of the development hereby approved and retained for the lifetime of the development thereafter.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, Southend Central Area Action Plan (SCAAP) (2018) Policy PA8 and the advice contained within the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

06 No external lighting shall be installed on any elevations of the development hereby approved other than in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

Reason: A condition is justified to ensure any protected species and habitats utilising the site are adequately protected in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2 and Development Management Document (2015) Policy DM2.

07 The finished levels at the site shall be as set out on plan reference LSE-2794-03-DE-102 before the development is first occupied.

Reason: A condition is required to safeguard the visual amenities of the site and wider area as set out in Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

08 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than construction up to ground floor slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping works shall be carried out prior to first occupation of the development. The details submitted shall include, but not be limited to:

- (i.) Details of means of enclosure, of the site including any gates or boundary walls and fencing in addition to that required by condition 05.
- (ii.) Hard surfacing materials for communal amenity and parking areas.
- (iii.) Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan. This shall include at least 44 replacement trees and 70% native biodiversity friendly planting.
- (iv.) Details of any associated structures such as seating, raised planters, and other landscaping features.
- (v.) Management plan for landscaping at the site.

Reason: In the interests of the visual amenity of the area and the amenities of its occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007).

09 The tree and tree root protection measures as set out in the Tree Survey and Impact Assessment by Keen Consultants reference 1754-KC-XX-YTREE-Rev 0 dated April 2022 and associated tree protection plan reference 1754-KC-XX-YTREE-TPP01RevB Tree Protection Plan shall be implemented in full prior to commencement of the development and shall be retained throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturist.

Reason: A pre commencement condition is justified to ensure the trees on and close to the site are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

10 The 95 car parking spaces, including 8 disabled spaces, plus the 2 additional spaces for cemetery visitors and the associated amended vehicular accesses for these spaces to access the public highway at the site as shown on approved plan LSE-2794-3-AC-0010 A (Site Layout showing parking and electric vehicle charging) shall be provided and made available for use prior to the first occupation of any of the dwellings hereby approved. The car parking spaces and the associated vehicular accesses to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwellings hereby approved and their visitors. As shown on this approved plan 24 car parking spaces including at least 1 disabled space for Block A and 10 car parking spaces including at least 1 disabled space for Block B shall have access to an electric vehicle charging point. The remainder of the spaces shall have the infrastructure for electric vehicle charging.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15, the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021) and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

11 The development hereby approved shall not be occupied unless and until space for at least 8 secure, covered cycle parking spaces to serve the residential development and its visitors has been provided within the buggy store shown on drawing LSE-2794-3-AC-1000 B and 4 secure, covered cycle parking spaces to serve the residential development and its visitors have been provided within the buggy store shown on drawing LSE-2794-3-AC-1010 B, or in such other on site location alternatively agreed in writing by the Local Planning Authority under the terms of this planning condition, and have been made available for use in full accordance with the approved plans by occupiers of the development hereby approved and their visitors. The approved scheme shall be permanently retained for the lifetime of the development.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

12 The development hereby approved shall not be occupied unless and until the refuse stores to serve the development as shown on drawings LSE-2794-3-AC-1000 B and LSE-2794-3-AC-1010 B have been provided at the site in full accordance with the approved plans and Waste Management Plan reference LSE-02794-03-AC-WMP and made available for use by occupiers of the residential units hereby approved. The approved scheme shall be permanently retained for the storage of waste and recycling for the lifetime of the development.

Reason: To ensure that adequate refuse and recycling storage is provided and retained to serve the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM8 and DM15 of the Development Management Document (2015).

13 The renewable energy proposals for the development hereby approved shall be carried out in full accordance with the recommendations set out in section 4 of the Energy Statement by Focus dated April 2022 including the installation of 68.90 kWp of PV cells or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. These renewables shall be implemented at the site prior to the first occupation of the development and retained in perpetuity thereafter.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

14 Prior to the first occupation of the development hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the whole development and retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

15 Before any of the residential units hereby approved are first occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 6 of the units in Block A and 8 of the units in Block B in the development hereby approved comply with building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 130 units comply with building regulation M4(2) 'accessible and adaptable dwellings' standard.

Reason: To ensure the residential units hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

16 The development hereby approved shall be carried out in full accordance with the noise mitigation measures set out in Section 5 of the Noise Impact Assessment reference R9195-1 Rev 2 dated 17.05.22 to ensure that the internal noise levels in habitable rooms within the approved development are in accordance with the ProPG guidance and British Standards BS4142. These mitigation measures shall be implemented prior to the first occupation of the development hereby approved and shall be retained for the lifetime of the development.

Reason: To ensure the resulting noise from the traffic on the main roads and the service yard of the retail units on London Road to the east of the site would not be detrimental to the living conditions of the future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

17 Prior to first occupation of the development hereby approved a Noise Impact Assessment shall be conducted by a competent person to assess the impact on future residents' living conditions resulting from the potential impact of noise from plant and equipment within the development including extract ventilation when operating at its maximum speed and output and any other noise emitting equipment such as elevators, including service elevators, air conditioning units and condensers, automatically opening doors and service entrances and barriers. The noise from the plant and equipment shall be limited to 10 dB(A) below the background noise level which is expressed as a LA90,15minutes at the boundary of the nearest residential property. The rated noise levels from plant and equipment shall include any penalties for noise characteristics such as tone, intermittency, that are liable to cause the noise to be a nuisance.

Background noise levels shall be established for the following periods:

- o Daytime 0700 to 1900
- o Evening 1900 to 2300
- o Night 2300 to 0700

In order to establish background noise level a representative survey shall be undertaken in accordance with British Standards BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the nearest residential properties so that noise will not cause a statutory nuisance. This shall be undertaken by a suitably competent person.

Details of how noise impact and vibration will be attenuated together with a maintenance schedule for the future operation of any kitchen equipment must be submitted to and approved in writing by the local planning authority under the terms of this condition. Heating and ventilation shall be in accordance with current guidance from DEFRA and the Heating and Ventilating Contractors' Association (HVCA) For Kitchen Ventilation Systems. The development hereby permitted shall not take place other than in accordance with these approved details.

The final noise mitigation scheme shall be operated and maintained thereafter.

Reason: To protect the amenities of future occupiers from undue noise and disturbance in order to protect their amenities in accordance with Core Strategy (2007) Policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Southend -on-Sea Design and Townscape Guide (2009).

18 A. Site Characterisation

Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - Human health,
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Groundwaters and surface waters,
 - Ecological systems,
 - Archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

B. Site Remediation Scheme

The development hereby permitted shall not commence unless and until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the

Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Remediation Implementation and Verification

The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the measures set out in the approved Remediation scheme have been fully implemented at the site. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing which is subject to the approval in writing of the Local Planning Authority.

The above works shall be conducted by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

Reason: This pre-commencement condition is required to ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

19 Notwithstanding the details as shown on plan references LSE-2794-03-DE-109 Existing Drainage Area LSE-2794-03-DE-100 Proposed Drainage Area Plan LSE-2794-03-DE-101 Proposed Drainage Plan and as shown on the plans otherwise submitted and otherwise hereby approved, no drainage works shall be constructed at the site until and unless the following information has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority under the terms of this condition:

- confirmation of an agreement in principle from Anglian Water regarding the surface water connection point and maximum flow rate.

The drainage strategy and SuDS details shall be implemented in full accordance with the details as submitted and approved under this condition before the development hereby approved is first occupied or brought into first use.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

20 No development shall take place, including any works of demolition, until and unless a Construction/Demolition Method Statement and Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i.) The parking of vehicles of site operatives and visitors.
- (ii.) Loading and unloading of plant and materials.
- (iii.) Storage of plant and materials used in constructing the development.
- (iv.) The erection and maintenance of security hoardings.
- (v.) A Noise and Dust Management Plan - measures to control the emission of noise and dust and dirt during demolition and construction. This should make reference to current guidance on the Assessment of Dust from Demolition and Construction - Institute of Air Quality Management or an acceptable equivalent.
- (vi.) A scheme for recycling/disposing of waste resulting from demolition and construction works. No waste materials should be burnt on the site, instead being removed by licensed waste contractors.
- (vii.) Measures to mitigate noise disturbance during the development.
- (viii.) A Communication Strategy for developer liaison with St Helen's Catholic Primary School and Milton Hall Primary School concerning the nature, timings and location of traffic movements associated with the demolition and construction phases of the development.
- (ix.) The locations and arrangements of the site entrances/ exits to be used during the demolition and construction phases of the development.

Reason: This pre-commencement condition is required to minimise the environmental impact, disturbance to existing residents, and the safe and convenient operation of nearby schools during demolition for and construction of the development in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policies DM1 and DM3.

21 Construction Hours for the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Public or Bank Holidays.

Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

22 The proposed site clearance and construction works for the development hereby approved shall be carried out in full accordance with the recommendations

set out in Section 5.3 of the Preliminary Ecological Appraisal by Greenlink Ecology Ltd dated 19.05.22 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition.

Reason: In the interests of biodiversity and to ensure any protected species and habitats utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policies DM1, DM2 and DM3.

23 Each of the units hereby permitted shall be only occupied by:

- (i.) persons aged 60 years or older; or
- (ii.) persons living as part of a single household in the development with such a person or persons aged 55 years or older; or
- (iii.) persons who were living as part of a single household in the development with such a person or persons who have since died.

Reason: To define the scope of this permission with respect to parking provision, amenity space, general living conditions, the provision of affordable housing and infrastructure required to support the development together with impact on education infrastructure within the City, in accordance with Core Strategy (2007) Policies KP2, KP3, CP4, CP6 and CP8 and Policies DM1 and DM3 of the Development Management Document (2015).

24 Notwithstanding the information submitted with the application, no development other than demolition above ground level, shall be undertaken, unless and until a written scheme of investigation including a programme of archaeological recording and analysis, a watching brief and details of the measures to be taken should any archaeological finds be discovered, has been submitted to and approved in writing by the Local Planning Authority. The approved recording/watching brief and measures are to be undertaken throughout the course of the works affecting below ground deposits and are to be carried out by an appropriately qualified archaeologist. The subsequent recording and analysis reports shall be submitted to the Local Planning Authority before the development is brought into first use.

Reason: Required to allow the preservation by record of archaeological deposits and to provide an opportunity for the watching archaeologist to notify all interested parties before the destruction of any archaeological finds in accordance with the National Planning Policy Framework (2021) and Policy DM5 of the Development Management Document (2015).

25 Notwithstanding the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) no signage for the development hereby permitted shall be displayed on the site boundary walls facing London Road or Brighton Road unless full details of its position, design and specifications including any means of illumination have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3,

Southend Central Area Action Plan (SCAAP) (2018) Policy PA8 and the advice contained within the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

26 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, none of the units hereby granted consent shall be occupied unless and until the details and specifications for the privacy screens for all linked balconies and terraces have been submitted to and approved in writing by the Local Planning Authority. The screens shall be retained for the lifetime of the development in accordance with the approved details.

Reason: To protect the privacy and environment of residents within the development in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

(C) In the event that the planning obligation referred to in part (a) above has not been completed before 3rd March 2023 or an extension of this time as may be agreed by the Director of Planning or Service Manager - Development Control, authority is delegated to the Director of Planning or Service Manager - Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions for affordable housing, biodiversity mitigation or Travel Plan and Travel Information Packs or the public realm landscaping improvements and that, as such, the proposal would be unacceptable and contrary to Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 of the Development Management Document (2015).

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it

is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the City.

3. This permission is governed by a legal agreement between the applicant and the City Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of a financial contribution in relation to affordable housing, a financial RAMS contribution, the provision of Travel Plan and Travel Information Packs and monitoring of the agreement.

4. The applicant is advised to contact the Council's highways service in regard to the alterations to the existing vehicular access from Brighten Road.

5. The applicant is invited to consider increasing the amount of disabled parking within the development giving the nature of the proposed uses.

6. As part of the details submitted for approval under condition 08 of this planning permission (landscaping), the applicant is encouraged to provide decent landscaping cover along the site's northern boundary to maintain a suitable relationship between the development's parking area and the setting of the adjacent St Helen's School.

7. The applicant is requested to consider the installation of a plaque at the site to recognise the history of the site.

731 22/02098/BC4 - Adventure Island, Western Esplanade, Southend on Sea (Milton Ward)

Proposal: Install a new big wheel and observation tower attractions within the existing Adventure Island site (Part Retrospective)

Applicant: Mr Miller, Stockvale

Agent: SKArchitects

Resolved:-

That planning permission be GRANTED subject to the conditions.

01 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990

02 The development hereby permitted shall, in respect of the big wheel be retained, and in respect of the observation tower be carried out, in accordance with the following approved plans P101A, P102A, P103A.

Reason: To ensure that the development is carried out in accordance with the Development Plan.

03 The materials and colours for the development hereby approved shall be white powder coated steel for the big wheel and blue powder coated steel with red accents for the tower as set out on plan reference P103A or in accordance with any other materials and colours details of which have previously been submitted to and agreed in writing by the Local Planning Authority under the scope of this planning condition.

Reason: To safeguard the visual amenities of nearby heritage assets and the area generally, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policy DM1 and DM5 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and National Design Guide (2021).

04 The lighting for the development hereby approved shall be as detailed in the Lighting Strategy by SKArchitects reference 783-10-22 and maintained as such for the lifetime of the development. All illumination shall be in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light" and "PLG05 The brightness of illuminated advertisements". The development hereby approved shall not include any vertically emitting lighting and any lighting associated with the development must not present a hazard to aircraft i.e. glare / dazzle / distraction.

Reason: To ensure any protected species and habitats utilising the site are adequately protected and in the interests of aircraft safety, the setting of nearby heritage assets and residential amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1, DM2 and DM3 and DM5.

05 There shall be no advertising on the development hereby approved above the adjacent public highway pavement level.

Reason: To safeguard the visual amenities of the area including the setting of nearby heritage assets, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

06 Noise from the development hereby approved, comprising all associated mechanically generated noise, amplified music and amplified speech, shall be limited to 10 dB(A) below the background noise level including any penalties for noise characteristics such as tone and intermittency. Background noise levels

shall be in accordance with BS 4142:2014+A1:2019 and expressed as a LA90,15minutes at the boundary of the nearest residential property. Background noise levels shall be established for the following periods: daytime 0700 to 1900 hours; evening 1900 to 2300 hours; and night 2300 to 0700 hours. Specific noise from the operation shall be measured using BS 4142:2014+A1:2019 and/or the most appropriate method in order to provide accurate and representative noise predictions.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

07 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development, the amenities of the surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

08 The development hereby approved shall be carried out in full accordance with the mitigation measures identified in the Flood Risk Assessment by SLR reference 425.064691.00001 dated February 2023.

Reason: To ensure the site is protected to the standard that the development is designed and modelled to within the submitted Flood Risk Assessment, the National Planning Policy Framework (2021) and Policy KP2 of the Core Strategy (2007).

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

01 You are advised that as the proposed development equates to less than 100sqm of new floorspace and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil) for further details about CIL.

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the City.

03 The applicant is advised that all aspects of the development must comply with Civil Aviation Authority CAP168 and EASA (European Union Aviation Safety Regulations) regulations including lighting.

732 22/02368/FUL - 995 - 1003 London Road, Leigh-on-Sea (Blenheim Park Ward)

Proposal: Erect two storey rear extension and form new second floor to main building with roof terrace to form a further 5no. self-contained flats with associated parking, bin and cycle store (Amended Proposal)

Applicant: Mr Schofield

Agent: Mr Steven Kearney of SKArchitects

Mr Mylroie, a local resident, spoke as an objector to the application. Mr Smith, responded on behalf of the applicant's agent.

Resolved:-

That planning permission be REFUSED for the following reasons:

01 The proposed development would, by reason of the size, scale, siting and design, of the new third storey lead to an unbalancing of the wider terrace, resulting in a form of development that would be out of keeping with and significantly harmful to the character and appearance of the building, the terrace and the surrounding area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2021), policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and The National Design Guide (2021).

02 The proposed development would, by reason of the size and scale, bulk, siting and degree of elevation of the new third storey relative to No.10 Grasmere Avenue, result in significant harm to the residential amenity of the neighbouring occupiers by way of an overbearing impact on the setting and reasonable enjoyment of their rear garden environment . This harm cannot reasonably be overcome by conditions. This is unacceptable and contrary to the National Planning Policy Framework (2021), Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the

planning committee which took the decision to refuse planning permission based their view on a detailed report prepared by officers and have considered whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant.

Informative

01 Please note that this application would have been liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore, if an appeal is lodged and subsequently allowed the CIL liability will be applied. Any revised application may also be CIL liable.

733 22/02260/PA61 - 14 Broadlawn, Leigh-on-Sea (Belfairs Ward)
Proposal: Raise ridge height to form new first floor (prior approval)
Applicant: Ms Lottie Reddings
Agent: Mr Alan Green of A9 Architecture

Resolved:-

That PRIOR APPROVAL is required and is GRANTED subject to the following condition:

01 The development hereby permitted shall be carried out only in accordance with the following approved plans: 01 Revision I, 02 Revision I, 03 Revision I, 04 Revision I, 05 Revision, 06 Revision J, 07 Revision I, 08 Revision J, 09 Revision J, 010 Revision J.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design impact on neighbour amenity and complies with Policy DM1 of the Development Management Document (2015) and the provisions of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informatives

01. The applicant's attention is drawn to the condition under sub paragraph 2(a) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

02. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission, that the Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.

03. The proposed building equates to less than 100sqm of new floorspace as such the development benefits from a Minor Development Exemption under the

Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details.

04. The applicant's attention is drawn to the condition under sub paragraph 3(c) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development must be completed within a period of 3 years starting with the date prior approval is granted.

05. The applicant's attention is drawn to the condition under sub paragraph 3(b) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated.

06. The applicant's attention is drawn to the condition under sub paragraph 2(b) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development must not include a window in any wall or roof slope forming a side elevation of the dwellinghouse.

07. The applicant's attention is drawn to the condition under sub paragraph 2(c) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse;

08. The applicant's attention is drawn to the condition under sub paragraph 2(d) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

09. The applicant's attention is drawn to the condition under sub paragraph 3(d) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

734 **22/02471/AMDT - 15 Leslie Close, Eastwood, Leigh on Sea (Eastwood Park Ward)**

Proposal: Application to vary conditions 02 (Approved Plans) and 03 (Materials) replace plan number CAD/PP/21499/002 Revision C with CAD/PP/21499/002 Revision E (Minor Material Amendment of Planning Permission 21/02453/FULH allowed on appeal dated 17/06/2021) – (Retrospective)

Applicant: Mr Tony Wilkins

Agent: Mr Carl Brampton of Contour Architectural Designs Ltd

Ms Oram, a local resident, spoke as an objector to the application.

Resolved:-

(a) That planning permission be REFUSED for the following reason:

01 The black vertical cladding at first-floor level rising up to the apex of the gables and to the rear dormer, by reason of its material and detailed design, is significantly out of keeping and at odds with the traditional design and materials of the original application property and the existing bungalows in the immediate streetscene, appearing unduly prominent and incongruous to the significant detriment of the character and appearance of the dwelling, the streetscene, the rear garden scene and the wider surrounding area. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1 and DM3 and the guidance contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

(b) That ENFORCEMENT ACTION be AUTHORISED to require from anyone with an interest in the land (the site) to either:

(i) Build the development in full accordance with approved plan numbers CAD/PP/21499/001 and CAD/PP/21499/002 Revision C pursuant to planning permission reference 21/02453/FULH which was allowed on appeal 17 June 2022 and to include the external materials white render, white uPVC windows and grey roof tiles and to include the first-floor windows in the rear face of the rear dormer replacing the unauthorised doors; or

(ii) Remove the unauthorised external black vertical cladding material in its entirety and replace with the approved white render, including at first floor level rising up to the apex of the gables and to the rear dormer and remove the first-floor doors in the rear face of the rear dormer and replace with the approved windows;

(c) Remove from site all materials resulting from compliance with (i) or (ii) above.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of three (3) months is considered reasonable to build the development in accordance with the approved plan numbers and remove the unauthorised development.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action via the pre-application service available at https://www.southend.gov.uk/info/200155/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2

Informative

1. You are advised that as the development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about the Levy.

735 22/02444/FUL & 22/00283/UNA_B - 151 Hamlet Court Road, Westcliff-on-Sea (Milton Ward)
Proposal: Replacement UPVC windows, fascias, render to the ground floor elevation and repainting (retrospective)
Applicant: M & A Knightsbridge Properties Ltd
Agent: Miss Beth Evans of Freeths LLP

Resolved:-

(a) That planning permission be REFUSED for the following reason:

The development, by reason of the detailed design and materials of the replacement windows at first and second floor level on the east and north elevations has resulted in visually prominent, out of keeping and incongruous alterations to the existing building which are harmful to the character and appearance of the site, the streetscene, the Frontage of Townscape Merit, the wider Hamlet Court Road Conservation Area and harm the setting of the Grade II listed Havens building opposite the site. Whilst this harm is less than substantial, it is nevertheless significant in degree and is not outweighed by any public benefits of the development. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the National Design Guide (rev 2021), the Southend-on-Sea Design and Townscape Guide (2009) and the Hamlet Court Road Conservation Area Appraisal (2021).

(b) That ENFORCEMENT ACTION be AUTHORISED to secure:

(i) the removal of the unauthorised UPVC windows from the east and north elevations at first and second floor.

(ii) the removal of the unauthorised fascia from the building's east and north elevations.

(iii) the removal from site all materials resulting from compliance with (i) and (ii) above.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of six (6) months is considered reasonable for the removal of the unauthorised operational development and obtaining planning permission for acceptable replacement windows and fascia.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action.

Informatives

01 You are advised that as the proposed development equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

02 The applicant is reminded that planning permission will be required for replacement windows and a replacement fascia following the removal of the unauthorised upvc windows and fascia subject of this decision. If these areas of the building are left untreated, the Local Planning Authority may consider it expedient to issue a S.215 Notice under the provisions of the Planning Acts. The planning application should demonstrate that the replacement windows closely replicate the original timber sash windows which were removed at the site but can still be seen on adjacent properties. The replacement fascia should be painted timber and follow the shopfront advice set out in the Hamlet Court Road Conservation Area Appraisal (2021).

**736 22/00062/UNAU_B - 28 Seaview Road, Leigh-on-Sea (Leigh Ward)
Breach of Planning Control: Demolition of wall within a Conservation Area**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure the re-instatement of the original boundary wall using the same materials and method of construction to restore the land to its condition before the breach of planning control took place.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice. The Local Planning Authority may also decide to instigate a prosecution under the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the re-instatement of the wall.

Chair: _____